

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 11-19-04.

## **I. DISPUTE**

Whether there should be reimbursement for CPT code 99080-73.

## **II. RATIONALE**

An Order for Payment of IRO fee was faxed on 12-28-04 and the requestor was ordered to remit the IRO fee within ten days. Per correspondence with the IRO on 1-19-05, the IRO fee has not been paid. Therefore, as stated in the Order, and per Rule 133.308(r)(1)(B),(7),(8), and (11), noncompliance by the health care provider to pay the IRO fee as ordered will result in an immediate dismissal and referral for an administrative violation under Section 415.021(b)(3) of the Texas Workers' Compensation Act and may be subject to a penalty not to exceed \$10,000.

On 12-14-04, a Notice was sent to the requestor, per Rule 133.307(g)(3), to submit additional documentation necessary to support the fee charges and to challenge the reasons the respondent had denied reimbursement within 14 days of the requestor's receipt of the Notice.

Code 99080-73 billed for date of service 3-9-04 was denied as "V". The TWCC-73 is a required report per Rule 129.5 and is not subject to an IRO review. The Medical Review Division has jurisdiction in this matter. Therefore, recommended reimbursement of \$15.00.

## **III. ORDER**

On this basis, and pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay the unpaid medical fees in accordance with TWCC reimbursement methodologies regarding Work Status Reports for dates of service on or after August 1, 2003 per Commission Rule 134.202 (e)(8), plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this order. This Order is applicable to date of service 3-9-04 in this dispute.

The respondent is prohibited from asserting additional denial reasons relative to this Decision upon issuing payment to the requestor in accordance with this Order (Rule 133.307(j)(2)).

The above Findings and Decision and Order are hereby issued this 27<sup>th</sup> day of January 2005.

Dee Z. Torres  
Medical Dispute Resolution Officer  
Medical Review Division